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Case No. GP-303943 (2760/124)
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— REMARKS —

A. Claims 18-19 were rejected under §112

The rejection of claims 18-19 has been obviated by cancellation.

Furthermore, the rejection as being indefinite is traversed. Applicants, as their own lexicographer, defined call center on pages 6-7 of the specification. In part, Applicants defined "call center" as a location where many calls are received and serviced at the same time (p. 6, lines 23-24), rendering the Examiner's interpretation of "mobile phone" inappropriate.

Additionally, compliance with §112 para 2 requires only that the claims set out and circumscribe the invention with a reasonable degree of precision and particularity, analyzing the language, not in a vacuum, but in light of the teachings of the disclosure. See, MPEP §2106. Specifically, the Examiner's interpretation of "call center" as being a mobile phone is not in accord with the interpretation of one of ordinary skill in the art.

Withdrawal of the rejections is requested.

B. Claims 1-3, 6, 7, 9-11, 14, 15, and 17 were rejected as unpatentable under 35 U.S.C. §103(a) over Mizikovsky in view of Brennan

The rejections to claims 1-3, 6, 7, 9-11, 14, 15, and 17 are traversed. In order to maintain this obviousness rejection, each and every claim limitation must be taught or suggested, in as great detail as claimed, by the references, alone or in combination.

The limitations of claims 18 and 19 have been incorporated, with the elements of claims 3 and 11, into claims 1 and 9, and therefore this rejection has been obviated.

With respect to the rejections asserted against claims 18 and 19 as unpatentable over Mizikovsky in view of Brennan in view of Park, these rejections are also traversed.

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As amended, claims 1 and 9 include the limitations that the incoming call signal is routed to a vehicle communication unit if the origin identifier is within the call center group of origin identifiers, and the incoming call signal is routed to a user interface if the origin identifier is not within the call center group of origin identifiers.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. See MPEP §2143. The cited references fail to establish a *prima facie* case of obviousness.

The rationale to modify or combine the prior art may be expressly or impliedly contained in the prior art *or* it may be reasoned from knowledge generally available to one of ordinary skill in the art, established scientific principles, or legal precedent established by prior case law. MPEP §2144, *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). See also *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000) (setting forth test for implicit teachings); *In re Eli Lilly & Co.*, 902 F.2d 943, 14 USPQ2d 1741 (Fed. Cir. 1990) (discussion of reliance on legal precedent); *In re Nilssen*, 851 F.2d 1401, 1403, 7 USPQ2d 1500, 1502 (Fed. Cir. 1988) (references do not have to explicitly suggest combining teachings); *Ex parte Clapp*, 227 USPQ 972 (Bd. Pat. App. & Inter. 1985) (examiner must present convincing line of reasoning supporting rejection); and *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993) (reliance on logic and sound scientific reasoning).

In this case, the Examiner correctly does not cite to any teachings within any of the three references to combine, and merely alleges that "it would have been obvious" to modify such that the telematics unit based on the first answer mode comprising directing the incoming call signal to a vehicle information controller within the telematics unit such that different functions such as turning off the engine (or other theft-detering feature) can be activated without alerting the thief." See, pages 7-8 of the December 19, 2005 office action. However, the Examiner cannot conclusively assert that in light of the teachings of

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any of these references there can be a motivation to combine. Applicants note that the Examiner failed to cite the claim language properly, and has rejected an element that does not exist in claims 18 or 19.

Mizikovsky teaches a user selectable response to an incoming call at a mobile station. Additionally, Mizikovsky teaches the need for a user to select identifying data for calling parties (column 2, lines 45-59) and to classify that identifying data into predetermined response categories. Additionally, Mizikovsky teaches a single mobile station.

Brennan teaches a caller information controlled automatic answer for a telephone, and Park teaches a system and method for cellular control of automobile electrical systems. The Examiner cannot assert that it would be obvious to combine Mizikovsky with Brennan and then add any teachings from Park.

Both Mizikovsky and Brennan teach methods to selectively answer an incoming call for a user. In contrast, Park teaches a method for a user to instruct a vehicle from a phone. Thus, both Mizikovsky and Brennan teach methods for handling call *incoming for* a user, while Park teaches methods for a call *outgoing from* a user to their vehicle. However, there is no motivation to combine the three references to arrive at the claimed determining a first answer mode when the origin identifier is within a predetermined group of origin identifiers, and determining a second answer mode when the origin identifier is not within the predetermined group of origin identifiers wherein the predetermined group of origin identifiers is a call center identified group of origin identifiers, and wherein the incoming call signal is routed to a vehicle communication unit if the origin identifier is within the call center identified group of origin identifiers and wherein the incoming call signal is routed to a user interface if the origin identifier is not within the call center identified group of origin identifiers.

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This motivation is further lacking based on the fact that after a call has been answered by a telematics unit, the call cannot be forwarded to voice mail without employing a costly and complex network-based solution. See, page 1, lines 26-28 of the specification. Therefore, those of ordinary skill in the art would not be motivated to combine the user selectable response to an incoming call of Mizikovsky and caller information controlled automatic answer feature of Brennan, much less modify those references in light of Park's teachings.

Additionally, claims 2 and 10 claim using a digital signature as an origin identifier, which the Examiner incorrectly argues that 'the digital signature is the name.' [sic "same?"] Rather, a digital signature is a form of cryptography that appends extra data to a message that identifies and authenticates the sender and message data using public or private encryption key methods. See, page 10, lines 17-20 of the specification.

Claims 2, 6, 7, 10, 14, and 15 depend directly or indirectly from one of claims 1 or 9, and are therefore patentable over Mizikovsky in view of Brennan for at least the same reasons. Claims 3 and 11 have been cancelled, obviating their rejections.

Therefore, claims 1-2, 6, 7, 9-10, 14, 15 and 17 are patentable over Mizikovsky in view of Brennan for at least the above reasons. Withdrawal of the rejections to claims 1-3, 6, 7, 9-11, 14, 15 and 17 is requested.

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C. Claims 4, 5, 8, 12, 13, 16, 18, and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mizikovsky in view of Brennan in further view of Park

The §103(a) rejection of claims 4, 5, 8, 12, 13, and 16 is traversed. The rejections to claims 18 and 19 are also traversed, and addressed above with reference to the independent claims.

Claims 4, 5, 8, 12, 13, and 16 depend directly or indirectly from one of claims 1 or 9, and are therefore patentable over Mizikovsky in view of Brennan in further view of Park for at least the same reasons.

Withdrawal of the rejections to claims 4, 5, 8, 12, 13, and 16 is requested.

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SUMMARY

The Examiner's rejections of claims 1-19 have been obviated by remarks herein supporting an allowance of pending claims 1-2, 4-10, and 12-17 over the art of record. The Applicant respectfully submits that claims 1-2, 4-10, and 12-17 herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

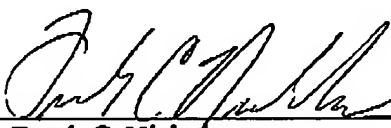
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